

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application 16218 of Louis H. Nevins and Sherry K. Mones pursuant to 11 DCMR 3107.2, for a variance from the rear yard requirements (Subsection 404.1) for an addition to a detached single-family dwelling in an R-1-A District at premises 2208 Foxboro Place, NW (Square 1341, Lot 41).

HEARING DATE: March 13, 1997

DECISION DATE: April 9, 1997, May 5, 1997

ORDER

SUMMARY OF EVIDENCE

1. The subject site is located on the north side of Foxboro Place, NW (a cul-de-sac) that is accessed from W Street NW between Foxhall Road and 44th Street. The irregularly shaped property contains 7,504.3 square feet of land area and is developed with a two-story masonry single-family detached dwelling and an attached one-car garage. The total lot occupancy of the property is 2,881.83 square feet (38 percent). The lot's width averages 86 feet, while the rear yard depth measures 25 feet. A 10-foot wide building restriction line traverses the front of the property along Foxboro Place, NW.

2. The area surrounding the site is characterized by having large single-family detached dwellings on large lots. Several extremely large properties are situated directly north and northwest of the site along Foxhall Road NW. Glover-Archbold Park is located directly east of the site on the east side of 44th Street, NW.

3. The site is zoned R-1-A. This zone permits matter of right development of single-family residential uses for detached dwellings with a minimum lot area of 7,500 square feet, a minimum lot width of 75 feet, a maximum lot occupancy of 40 percent, a maximum height of 3 stories/40 feet, and a minimum rear yard depth of 25 feet.

4. The applicants are proposing to construct a one-story screened porch at the rear of an existing single-family detached dwelling in an R-1-A zone. The porch would have a surface area of 545.05 square feet and would be irregularly shaped. At its farthest point, it would project 17.5 feet into the property's existing 25-foot deep rear yard from the rear wall of the dwelling.

As a result, the existing 25-foot deep rear yard would be reduced to 7.5 feet in its eastern portion.

5. The applicants contend that a unique situation exists in that the location and configuration of the structure on the lot takes up all of the building portions and gives them no alternative location for their porch. They further contend that there is no detriment as the structure is not visible by the neighbors and that all of the neighbors support the project. Further, they propose that they are not impairing the intent and purposes of the zoning regulations and map, as they are adding a reasonable and customary feature to their property.

6. The Zoning Administrator's letter stated that only that portion which is above four feet for the rear yard is necessary for the variance, otherwise, there does not need to be a request for variance relief.

7. The Office of Planning (OP) recommended that the Board approve the application. OP based their approval on the belief that a practical difficulty exists for the applicants in the ability to reasonably adhere to the existing dwelling because of a number of physical constraints that are inherent in the property (i.e., irregular shape, shallowness, siting of dwelling, interior and exterior configurations of dwelling, and 10-foot wide building restriction line along front of property). The proposed rear porch would not be visible from or impose upon neighboring properties and is fully supported by the surrounding neighbors. With the porch, the property's lot occupancy would continue to comply with the maximum 40 percent allowed in the R-1-A zone (38 percent) and all other regulations of the zone except the minimum rear yard depth. For these reasons the OP believes that the proposal would not generate adverse area impacts and would not severely impact the intent, purpose and integrity of the R-1-A zone district regulations.

8. The ANC 3D voted unanimously to approve the application, because they found that no adverse impacts were created by the application.

FINDINGS OF FACT

1. There is uniqueness in the property in terms of its topography, its configurations, and its ten foot set back from the front property line. However, the uniqueness associated with the property does not cause a practical difficulty in the reasonable use of the lot.

2. The property is a single family lot. A substantial single-family home is located on the property and the request to have a screened porch is not required in order for it to be a reasonable use of the property.

3. The zoning regulations allow for sufficient space between buildings for the orderly development of the land in a different zone category and to establish proper space in between structures. The proposed screened porch projects significantly into the rear yard in a way that is disharmonious with intent of the Zoning Regulations.

4. A matter-of-right alternative to accomplish applicants' objectives exists.

CONCLUSIONS OF LAW AND DECISION

1. Based on the evidence of record, the Board concludes that the applicants are seeking a variance to allow an addition to property located in an R-1-A District. The granting of such a variance requires a showing through substantial evidence on the record of a unique or exceptional situation or condition related to the property which creates a practical difficulty for the owner in complying with the Zoning Regulations. The Board must find that the granting of the relief would not be of substantial detriment to the public good and would not impair the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. The Board concludes that the applicant has not met this burden of proof.

The Board concludes that no nexus exists between the uniqueness of the property and the practical difficulty created by the Zoning Regulations. The Board further concludes that granting the instant application would substantially impair the intent, purpose and integrity of the Zoning Regulations and Map.

The Board concludes that the applicant has not met the burden of proof for an area variance.

The Board concludes that it has accorded the report of ANC 3D the "great weight" consideration to which they are entitled.

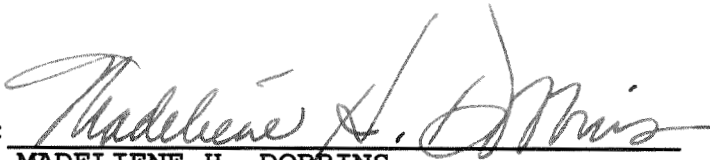
In light of the foregoing, the Board hereby **ORDERS** that this application be **DENIED**.

VOTE: 3-2 (Angel F. Clarens, Susan Morgan Hinton, Sheila Cross Reid to deny; Laura M. Richards opposed to the motion and Herbert M. Franklin opposed to the motion by absentee vote).

BZA APPLICATION NO. 16218
PAGE NO. 4

This order was issued as a proposed order pursuant to the provisions of D.C. Code Section 1-1509(d). The proposed order was sent to all parties on October 24, 1997. The filing deadline for exceptions and arguments was November 14, 1997. No party to this application filed exceptions or arguments relating to the proposed order, therefore, the Board of Zoning Adjustment adopts and issues this order as its final order in this case.

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT --- SUSAN MORGAN
HINTON, LAURA M. RICHARDS, SHEILA CROSS REID AND BETTY KING.

ATTESTED BY: 
MADELIENE H. DOBBINS
Director

FINAL DATE OF ORDER: NOV 26 1997

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

ord16218/AZ

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT




BZA APPLICATION NO. 16218

As Director of the Board of Zoning Adjustment, I certify and attest that on NOV 26 1997 a copy of the order entered on that date in this matter was mailed prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Louis H. Nevins
Sherry Mones Nevins
2208 Foxboro Place, NW
Washington, D.C. 20007

Mr. Joseph D. Murphy
Chairperson
ANC 3D
P. O. Box 40846
Palisades Station
Washington, D.C. 20016


MADELIENE H. DOBBINS
Director

Date: NOV 26 1997